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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN D. WOODS, JAMES W. GINN, DAVID R. BRANDES,
and CHARLES F. WAGNER

Appeal 2008-0054
Application 09/746,619
Technology Center 2100

Decided: June 27, 2008

Before HOWARD B. BLANKENSHIP, ST. JOHN COURTENAY III, and
STEPHEN C. SIU, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1, 3-17, 19, 20, 22-27, and 30-35, which are all the

claims remaining in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Claim 35 is illustrative.

35. A technology management system comprising:

a controlled lexicon containing technology-specific terminology data;

a web-based collaboration tool for enabling individual stewards to populate a card catalog based on the uncatalogued technology-specific terminology data and based on collaboration input;

the individual stewards being from either a single collaboration group or from more than one collaboration group; and

a web portal for maintaining a bookshelf of links to entries in the card catalog, the web portal further accessing the bookshelf based on search input and based on the technology-specific terminology data to enable individual users to access information stored in the card catalog, wherein the users are from at least one of a common collaboration group of different collaboration groups.

The Examiner relies on the following references as evidence of unpatentability.

Horovitz	US 6,389,409 B1	May 14, 2002 (filed Jun. 26, 1998)
Wical	US 6,487,545 B1	Nov. 26, 2002 (filed May 28, 1999)
Myers	US 6,959,268 B1	Oct. 25, 2005 (filed Sep. 21, 2000)

Claims 1, 3-17, 19, 20, 22-27, and 30-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Horovitz, Wical, and Myers.

The Examiner's rejection of instant claim 35 is set forth at pages 9 and 10 of the Answer. Appellants contest, *inter alia*, the Examiner's finding that the "LinkGraph" described by Horovitz is equivalent to the claimed card catalog.

Horovitz describes an Internet client-server system 100 (Fig. 1) comprising a set of online catalogs 110, an information integration server computer system 120, and end-user browsing system 130. Horovitz col. 4, l. 63 - col. 5, l. 20. Figure 2 depicts an Internet on-line catalog logical structure 200. The Internet on-line catalog logical structure is a mesh of nodes and edges, with each node an HTML page and each edge an HTML hyperlink to another HTML page. Col. 5, ll. 32-46.

A basic assumption is that per each external request of HTML hyper-link, the Internet online catalog provides the relevant HTML page. By one embodiment of the invention, it can be readily seen that the logical mesh of pages and links actually induces a graph data structure. This induced graph is not created -- rather, it can be thought of as a view into the online catalog structure. *This induced graph will be referred to as the LinkGraph*, and is defined below.

The invention provides a method to unit any number of LinkGraphs from multiple, often remote information resources. The resulting graph is termed a Unified Classification Information Graph (UCIG).

Horovitz col. 5, ll. 47-58 (emphasis added).

The Horovitz system includes a learn phase and a user query phase. In the learn phase, each of the online catalogs 110 (Fig. 1) is accessed and a representation of its classification information is created. Next, all online catalog representations are unified into the Unified Classification Graph, which is automatically generated. In the user query phase (Fig. 3), the user

issues a query to the information integration server software about a required product or service. The server software accesses the relevant online catalogs and obtains the relevant product information pages. Horovitz col. 5, l. 64 - col. 6, l. 26.

The Horovitz system uses the Link Graphs in part of the learn phase. When an online catalog is accessed, a *subset* of the induced LinkGraph *is* created. A system administrator may use a formal graph notation to manually describe the graph to create a corresponding graph data structure. Three Link Graphs are depicted in Figure 4A. In a normalization process within the learn phase, a Classification graph (Fig. 4B) is created from the Link Graphs. However, the LinkGraph is kept as the connection to a corresponding single online catalog relevant page. Horovitz col. 6, l. 36 - col. 7, l. 11; col. 16, ll. 30-33 (user query phase).

According to the claim 35 rejection, Horovitz company A (Fig. 2) reads on an “individual steward” populating a card catalog (LinkGraph) based on collaboration input. (Ans. 9.)

Fig. 2 of Horovitz teaches an “Internet site” that is equivalent to a web portal for maintaining a bookshelf of links to entries in the card catalog, the web portal further accessing the bookshelf based on search input catalog [sic] (see col. 4, lines 52-53 and col. 5, lines 40-43 and col. 6, lines 45-62, Horovitz).

(Ans. 10.)

The rejection does not specify any element in Horovitz that might teach or suggest a bookshelf of links to entries in the card catalog, or LinkGraph. Nor is any such element apparent in the identified sections of the reference.

The LinkGraph as described by Horovitz (e.g., Fig. 4A) may resemble a card catalog found in a library that contains information about, or links to, books or periodicals in the library. The “card catalog” as disclosed (e.g., Specification Fig. 4) and claimed by Appellants, however, is distinct from the “bookshelf” of *links to entries in the card catalog*, the “bookshelf” being maintained by the web portal.

The rejection applied against the other independent claims (1 and 25) suffers a similar deficiency.¹ In addition, we agree with Appellants that the rejection applied against those claims fails to show a reason from the prior art for a “notification device” (claim 1) or “generating notices” (claim 25) as claimed. The “notification” in each case is based on notifying users with regard to entries in the “card catalog.” There would be no reason to notify users with regard to entries in a “LinkGraph” as described by Horovitz, as the “LinkGraph” is created in a “learning” phase by a search service to facilitate document search and retrieval from separate online catalogs, prior to, and separate from, response to user queries. While there may be a reason to notify users with respect to updates to a product catalog, as taught by

¹ In the rejection of claim 25, the “categories page” described at column 6, lines 45 through 62 is deemed to correspond to the “bookshelf of links.” (Ans. 8.) A “categories page” is a page in an individual online catalog that contains a list of product categories, types, or properties. Horovitz col. 17, ll. 9-16. A categories page includes hyperlinks, but the hyperlinks are not links to entries in the subset of the induced LinkGraph. In the terms of claim 25, links on a “categories page” are not “based on entries in the card catalog.” The LinkGraph, or “card catalog,” could be considered as at least in part “based on entries” in a categories page, or “bookshelf of links,” but that is not what the claim requires.

Myers (e.g., Ans. 4), we see no apparent reason on this record to notify users with respect to entries in a “LinkGraph.”

In order to determine whether there was an apparent reason to combine known elements in the fashion claimed, the analysis should be made explicit. *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”)).

We thus agree with Appellants to the extent that the rejection fails to identify any persuasive reason that the artisan would have combined the teachings of Horovitz, Wical, and Myers so as to arrive at the subject matter of at least the independent claims on appeal.

CONCLUSION

The rejection of claims 1, 3-17, 19, 20, 22-27, and 30-35 under 35 U.S.C. § 103(a) as being unpatentable over Horovitz, Wical, and Myers is reversed.

REVERSED

rwk

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